



# County of Los Angeles **CHIEF ADMINISTRATIVE OFFICE**

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DAVID E. JANSSEN  
Chief Administrative Officer

June 25, 2004

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To: Supervisor Don Knabe, Chairman  
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From: David E. Janssen  
Chief Administrative Officer

## **AB 2297 (VARGAS) -- LEAD CONTAMINATION IN IMPORTED CANDY**

Item No. 11 on the June 15, 2004 Agenda was a motion by Supervisor Antonovich directing this office to work with the Department of Health Services to analyze AB 2297 (Vargas); and, within two weeks, provide the Board with an analysis of the bill and a recommendation concerning a County legislative position on the bill. This memo is in response to that direction. It should be noted that AB 2297 failed passage from the Senate Health and Human Services Committee on June 23, 2004 by a vote of 6 to 2.

AB 2297 would amend the Childhood Lead Poisoning Prevention Act of 1991 (CLPPA) to require the California Department of Health Services (Department) to use existing CLPPA funds, upon appropriation of the Legislature, to regulate the lead content of imported candy. It would require the Department to test imported candy to determine the presence of lead, and issue health advisories on, order the removal of, and embargo imported candy found to contain lead.

In a recent Senate Health and Human Services Committee analysis, the author indicates that AB 2297 is needed because unsafe levels of lead have been identified in imported candies sold in California. The adverse effects of the elevated blood lead levels in children are well documented and may have long-lasting or permanent consequences. These effects can occur even at low-exposure levels, and may include delayed mental and physical development, and learning deficiencies. The author cites the primary causes of lead in these candies to be lax manufacturing regulations and laws, the use of lead based paint in candy and food wrappers, and lead contaminated soil mixed with spices, such as chili and tamarind. Supporters indicate that AB 2297 will aid agencies and organizations in identifying and monitoring lead content in candy to protect the public, especially children, from candy with unsafe levels of lead.

Those opposed to AB 2297 contend that the Federal Food and Drug Administration (FDA), under existing law, is already addressing the issue of lead in imported candy by issuing advisories informing manufacturers, importers, and distributors of imported candy that the FDA intends to take action to reduce the potential exposure of children to lead from candy products. Because this is an issue of regulating products for human consumption that enter the United States with high levels of lead, the FDA should be charged with regulation and testing of these products. The responsibility should not rest with the State or be funded by CLPPA. The Paint Council of California argues that fees imposed on paint manufacturers and the petroleum industry fund CLPPA and those industries should not be required to fund programs related to lead contaminated candy.

The County Department of Health Services indicates that the primary source of lead poisoning in children in Los Angeles County continues to be lead based paint and dust. All other sources of lead poisoning in children, such as candy, are seen in less than 2 percent of the cases. AB 2297 would focus funding on the regulation of the lead content in candy rather than on those factors that are the predominant causes of lead poisoning in children. Moreover, the regulation of imported food products should be the responsibility of the FDA, and funded by a source other than CLPPA.

Because AB 2297 would jeopardize primary lead prevention programs currently funded under CLPPA, and critical case management of lead poisoned children, the County Department of Health Services recommends that the County support AB 2297 only if amended to provide funding sources other than from CLPPA, and to recommend that the FDA regulate imported food products, and we concur. Consistent with existing County policy to support legislation that promotes public health, including measures that support safe home environments free from lead, mold and other indoor environmental hazards, **our Sacramento advocates will support AB 2297 only if amended in this manner.**

AB 2297 is sponsored by the Environmental Health Coalition and supported by the AFL-CIO; American Federation of State, County and Municipal Employees; and the Los Angeles Unified School District Board Members. It is opposed by the Grocery Manufacturers of America and the National Confectioners Association. AB 2297 failed passage from the Senate Health and Human Services Committee on June 23, 2004 by a vote of 6 to 2.

DEJ:GK  
MAL:MS:lm

c: Executive Officer, Board of Supervisors  
County Counsel  
Department of Health Services